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09/490,061	01/24/2000	Yoshiki Kawaoka	0905-0226P-SP	6688

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EXAMINER	
PHAM, HUNG Q	

ART UNIT	PAPER NUMBER
2172	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/490,061	Applicant(s) KAWAOKA, YOSHIKI	
	Examiner HUNG Q PHAM	Art Unit 2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Applicants amended claims 1-6 in the amendment received on 07/11/2002. The pending claims are 1-6. Applicants' arguments have been fully considered by the examiner.

2. Applicants' arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukada et al. [EP 0 838 767 A2] in view of Camara et al. [USP 6,373,507].

Regarding to claim 1, Fukada teaches a device for filing picture images recorded by a digital camera (Fukada, Col. 1,lines 6-15). As shown in Fukada FIG. 1, a digital camera may store pictures in a memory card 2, which is detachable. Picture image data are transferred to a hard disc of a personal computer 3 (Fukada, Col. 5, lines 5-24). As shown in Fukada FIG. 2, when a memory card is set into a card slot and the processing is started, image files within the memory card are read one by one in the order of recording (Fukada, Col. 6, lines 8-16) as ***an image file readout unit for reading out an image file that has been recorded on the first loadable and removable recording medium.*** After reading the image file, the image file name is examined whether or not an image file with the identical file name already exists in the hard disc (Fukada, FIG. 2, Col. 6, lines 41-50) as ***a file-name duplication discrimination unit for determining whether a file name of the image file that has been read out by said image file readout unit and a file name of an image file that has been recorded on the second recording medium are duplicates.*** If the file name overlaps, the file name is changed to an identifying number without overlap .

(Fukada, FIG. 2, Col. 6, line 52-Col. 7, line 8) as ***an image-file recording controller, which is responsive to a determination by said file-name duplication discrimination unit that the file names are duplicates, for changing the file name of the image file that has been read out of the first loadable and removable recording medium and recording this read image file on the second recording medium in such a manner that file names of image files that have been recorded on the second recording medium will not be duplicated***. After all the processes as disclosed above, the image file is stored in a hard disc as the second recording medium (Fukada, Col. 7, lines 9-17). Fukada fails to disclose the second recording medium is ***loadable and removable*** and ***a grouping unit for grouping image files, which have been recorded on the second recording medium by said image-file recording control unit, according to the types of images represented by the image files***. Camara teaches an image acquisition system has a computer and one or more imaging devices coupled to the computer, each imaging device has a device memory and is capable of capturing a digital image and storing the image in its memory (Camara, abstract). As in Camara FIG. 1 and 3, the Camara image acquisition system 20 having a computer 22 coupled to multiple imaging devices 24-30 such as digital camera, video camera. The computer 22 has a non-volatile program memory 94 such as ROM, disk drive, CD-ROM. As shown in Camara FIG. 6-7, the user captures a picture using the "Take Picture" command in the camera menu 160. The picture then appears as a file in the file space 154. The file space 154 lists files and/or folders that pertain to digital images taken by the digital camera and the files are the images themselves such as JPG files and the folders contain image files and/or other folders with image files in them (Camara, Col. 6, line 1-Col. 7, line 11) as ***a***

grouping unit for grouping image files according to the types of images represented by the image files. Camara fails to disclose the secondary memory that process the image files is ***loadable and removable***. However, both Fukada and Camara use a conventional computer as the device for processing image files and obviously, the Fukada and Camara device has a loadable and removable recording medium as shown in Camara FIG. 3 such as an A drive that contain a loadable and removable 3½ floppy disk and Fukada teaches that "a second storage means outside the digital camera" means a server in a laboratory, a hard disc of a personal computer, or the like (Fukada, Col. 3, lines 9-24). Thus, the Fukada image files could be processes in a loadable and removable recording medium such as floppy disk instead of the hard drive and modified by the Camara technique of grouping files. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Fukada device by including the Camara grouping unit and processing the image files in a loadable and removable recording medium in order to make a collection of based-on-type image files and to have a friendly environment by giving more drive options such as a displaying of selection including C or A or E drive to the users when processing the image from a digital camera or a memory card of digital camera.

Regarding to claim 2, Fukada and Camara teaches all the claimed subject matters as discussed in claim 1, Fukada further disclose a ***grouping unit causes a file name corresponding to each group to be recorded on the second recording medium*** (Fukada, Col. 7, lines 9-17).

Regarding to claim 5, Fukada teaches a method for filing picture images recorded by a digital camera (Fukada, Col. 1,lines 6-15). As shown in Fukada FIG. 1, a digital camera may store pictures in a memory card 2, which is detachable. Picture image data are transferred to a hard disc of a personal computer 3 (Fukada, Col. 5, lines 5-24). As shown in Fukada FIG. 2, when a memory card is set into a card slot and the processing is started, image files within the memory card are read one by one in the order of recording (Fukada, Col. 6, lines 8-16) as the step of ***reading out an image file that has been recorded on the first loadable and removable recording medium***. After reading the image file, the image file name is examined whether or not an image file with the identical file name already exists in the hard disc (Fukada, FIG. 2, Col. 6, lines 41-50) as the step of ***determining whether a file name of the image file that has been read out by said image file readout unit and a file name of an image file that has been recorded on the second recording medium are duplicates***. If the file name overlaps, the file name is changed to an identifying number without overlap (Fukada, FIG. 2, Col. 6, line 52-Col. 7, line 8) as the step of ***in response to a determination that the file-name are duplicates, for changing the file name of the image file that has been read out of the first loadable and removable recording medium and recording this read image file on the second recording medium in such a manner that file names of image files that have been recorded on the second recording medium will not be duplicated***. After all the processes as disclosed above, the image file is stored in a hard disc as the second recording medium (Fukada, Col. 7, lines 9-17). Fukada fails to disclose the second recording medium is ***loadable and***

removable and the step of ***grouping image files, which have been recorded on the second recording medium by said image-file recording control unit, according to the types of images represented by the image files***. Camara teaches an image acquisition system has a computer and one or more imaging devices coupled to the computer, each imaging device has a device memory and is capable of capturing a digital image and storing the image in its memory (Camara, abstract). As in Camara FIG. 1 and 3, the Camara image acquisition system 20 having a computer 22 coupled to multiple imaging devices 24-30 such as digital camera, video camera. The computer 22 has a non-volatile program memory 94 such as ROM, disk drive, CD-ROM. As shown in Camara FIG. 6-7, the user captures a picture using the "Take Picture" command in the camera menu 160. The picture then appears as a file in the file space 154. The file space 154 lists files and/or folders that pertain to digital images taken by the digital camera and the files are the images themselves such as JPG files and the folders contain image files and/or other folders with image files in them (Camara, Col. 6, line 1-Col. 7, line 11) as the step of ***grouping image files according to the types of images represented by the image files***. Camara fails to disclose the secondary memory that process the image files is ***loadable and removable***. However, both Fukada and Camara use a conventional computer as the device for processing image files and obviously, the Fukada and Camara device has a loadable and removable recording medium as shown in Camara FIG. 3 such as an A drive that contain a loadable and removable 3½ floppy disk and Fukada teaches that "a second storage means outside the digital camera" means a server in a laboratory, a hard disc of a personal computer, or the like (Fukada, Col. 3, lines 9-24). Thus, the

Fukada image files could be processes in a loadable and removable recording medium such as floppy disk as well as a hard drive and modified by the Camara technique of grouping files. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Fukada device by including the Camara step of grouping and processing the image files in a loadable and removable recording medium in order to make a collection of based-on- type image files and to have a friendly environment by giving more drive options such as a displaying of selection including C or A or E drive to the users when processing the image from a digital camera or a memory card of digital camera.

6. Claims 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukada et al. [EP 0 838 767 A2].

Regarding to claims 3 and 6, Fukada teaches a method and device for filing picture images recorded by a digital camera (Fukada, Col. 1,lines 6-15). As shown in Fukada FIG. 1, a digital camera may store pictures in a memory card 2, which is detachable. Picture image data are transferred to a hard disc of a personal computer 3 (Fukada, Col. 5, lines 5-24). As shown in Fukada FIG. 2, when a memory card is set into a card slot and the processing is started, image files within the memory card are read one by one in the order of recording (Fukada, Col. 6, lines 8-16) as ***an image file readout unit for reading out an image file that has been recorded on the first loadable and removable recording medium***. After reading the image file, the image file name is

examined whether or not an image file with the identical file name already exists in the hard disc (Fukada, FIG. 2, Col. 6, lines 41-50). If the file name overlaps, the file name is changed to an identifying number without overlap (Fukada, FIG. 2, Col. 6, line 52-Col. 7, line 8). After all the processes as disclosed above, the image file is stored in a hard disc (Fukada, Col. 7, lines 9-17) as ***a recording controller for recording the image file, which has been read out by said image file readout unit, on a second recording medium.*** As shown in FIG.1, the personal computer 3 has a monitor as ***an output unit for outputting an image file being recorded on the second recording medium by said recording controller.*** Fukada fails to disclose the second recording medium is ***loadable and removable.*** However, Fukada uses a conventional computer as the device for processing image files and obviously, the Fukada device has a loadable and removable recording medium such as an A drive that contain a loadable and removable 3½ floppy disk and Fukada teaches that "a second storage means outside the digital camera" means a server in a laboratory, a hard disc of a personal computer, or the like (Fukada, Col. 3, lines 9-24). Thus, the Fukada image files could be processes in a loadable and removable recording medium such as floppy disk as well as a hard drive. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Fukada device by including a second loadable and removable recording medium when processing the image files from a first storage medium in order to have a friendly environment by giving more drive options such as a displaying of selection including C or A or E drive to the users when processing the image from a digital camera or a memory card of digital camera.

Regarding to claim 4, Fukada teaches all the claimed subject matters as discussed in claim 3, Fukada further discloses a personal computer that has a monitor as in FIG. 1 as an ***output unit is a display device for displaying an image represented by an image file that has been recorded on the second recording medium.***

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham

August 9, 2002

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100